



1652

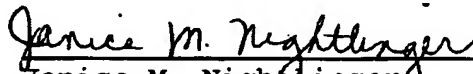
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Group Art Unit: 1652
Eriko Takano et al. Special Programs Examiner:
 William Dixon
Application No. 10/017,471
Filed: October 23, 2001
For: Antibiotic Production

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Our File No. 0380-P02329US1

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on January 24, 2006 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Janice M. Nighelinger

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CHARGE OMITTED FEE
TO DEPOSIT ACCOUNT**

Applicants, by their undersigned attorneys, hereby petition the Commissioner to charge to Deposit Account No. 04-1406 a petition fee that was inadvertently omitted from their reply to the December 9, 2002 Notice To Comply With Requirements For...Sequence Disclosures (hereinafter "the Notice To Comply") in the above-identified patent application. A copy of the Notice

Adjustment date: 12/18/2006 CKHLOK
03/12/2003 HBLANCO 00000017 10017471
01 FC:1251 -110.00 OP
12/18/2006 CKHLOK 00000012 041406 10017471
01 FC:1252 340.00 DA 110.00 OP

course.

The actual date of receipt by the PTO of Applicants' response to the Notice To Comply was March 11, 2003, as shown by the official date stamp on the postcard receipt, a copy of which is attached hereto as Exhibit C.

The petition for extension of time included with Applicants' response to the Notice To Comply, as well as the body of the response itself authorized that any deficiency or required fee be charged to Deposit Account No. 04-1406 of Dann Dorfman Herrell & Skillman. This authorization should be treated as a constructive petition for a further one-month extension of time for Applicants to have filed their response to the Notice To Comply, as provided in 37 C.F.R. §1.36(a)(3). Of course, the further month's extension of the response period should have been accompanied by an additional fee, which was the omitted fee in this case. The Commissioner is hereby authorized to charge the amount of the omitted fee to Deposit Account No. 04-1406 of Dann Dorfman Herrell & Skillman. It is believed that \$300.00 is the appropriate amount of the omitted fee, as of the March 10, 2003 filing date of Applicants' response to the Notice To Comply. A duplicate copy of this paper is enclosed to facilitate such charging.

The omission of the extension fee payment, as discussed above, only recently came to the attention of the undersigned, upon routine review of Applicants' file, resulting from discussions with Examiner Nashed concerning a proposed examiner's amendment. The omission of the petition fee payment was the result of a mistake made in good faith, and without any deceptive intent.

If any fee is required for consideration of the present petition and/or if any further extension fee is due, such fees are also authorized to be charged to Deposit Account No. 04-1406.

It is respectfully requested that the present petition
be granted.

Respectfully submitted,

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A Professional Corporation
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